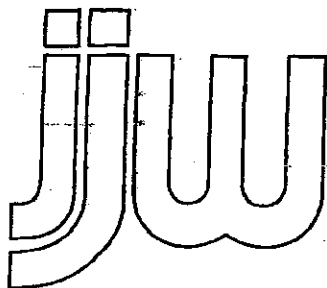
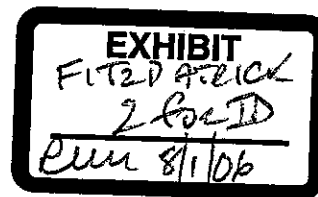


EXHIBIT A



J.J. WEISER AND COMPANY, INC.

155 MINEOLA BOULEVARD
MINEOLA, NEW YORK 11501
(516) 294-6152
(800) 645-6177 (Outside of N.Y.)
FAX (516) 294-6416



Sanford J. Cohen
Registered Representative
Equity Services Inc.

September 9, 2000

TWU Retirees Association
80 West End Avenue 5th Fl.
New York, NY 10023
Attention: Mr. Mike Fitzpatrick

Re: Policy 651

Dear Mr. Fitzpatrick:

This is to inform you that for the Premium Year 2001 Interboro & J.J. Weiser Insurance Companies will provide Limited Medical Expense & Hospital Income Plans as described in the brochures. The premium amount for Single Individuals is \$ 35.00 and the premium amount for Family is \$ 65.00.

Sincerely,

Sanford J. Cohen

Mike Fitzpatrick

EXHIBIT B

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES MAHONEY, as Director of
the Transport Workers Union
Local 100 Retirees' Association
and Plan Administrator of the
TRANSPORT WORKERS UNION LOCAL
100 RETIREES' ASSOCIATION HEALTH
BENEFIT PLAN, JOSEPH ALLMAN,
BERNARD BEAVER, FRANK INGRAM,
LAVERNE STUCKEY, MAURICE SCHIERMAN
and MATTHEW TARNOWSKI,

INDEX NO.:
04 Civ.2592
(MBM)

Plaintiffs,
-against-

J.J. WEISER AND COMPANY, INC.,
SANFORD J. COHEN, HARVEY T.
GLUCK, MICHAEL J. FITZPATRICK
and JOHN MEEHAN,

Defendants.
-----X

RECEIVED
FEB 13 2007
BABCHIK & YOUNG, LLP

10:30 a.m.
December 12, 2006

113 University Place, 7th Floor
New York, New York 10003

CONTINUED EXAMINATION BEFORE TRIAL of
ROGER TOUSSAINT, taken by DEFENDANTS, before
SUSAN REIS, a Court Reporter and Notary Public
of the State of New York.

CITTONE REPORTERS
Certified Shorthand Reporters
Two Penn Plaza, Suite 1500
New York, New York 10120
(212)286-9222

1 ROGER TOUSSAINT

2 picnics, the annual picnics for Local 100. They
3 get a gold page and they pay a certain payment,
4 they get a silver page, and they pay a certain
5 amount.

6 A And your question is?

7 Q Do those providers that appear in
8 that book pay money to have their ads appear in
9 the book?

10 A I don't know specifically what
11 providers appear in the book, but if you have a
12 gold page or silver page, you would have paid
13 money.

14 (Exhibit 5, Document, was marked
15 for identification.)

16 Q Just take a look at this exhibit,
17 Exhibit 5.

18 Have you ever seen Exhibit 5?

19 A I don't recall seeing this
20 before.

21 Q Your name is, Roger Toussaint, at
22 the top. Is that your e-mail system, something
23 that was printed out?

24 A I don't recall seeing it before.

25 Q Do you have an e-mail address?

1 ROGER TOUSSAINT

2 A Yes.

3 Q Does your e-mail appear on this
4 form?

5 A No.

6 Q Who is Bacco?

7 A Bacco is an accountant who works
8 for the office.

9 Q And then Ed Watts is three?

10 A The second one is an e-mail
11 address.

12 Q He had one back?

13 A Yeah.

14 Q But when you print this out, the
15 e-mail from your computer, your name appears at
16 the top, Roger Toussaint?

17 A I have never seen that before.

18 Q You have never seen that before?

19 A I said I have never seen it.

20 Q Do you recall receiving Exhibit 5?

21 A I don't recall receiving it.

22 Q Did you ask Bacco to review
23 procedures of the Retirees' Association?

24 A I think at some point I did.

25 Q Was that on October 7, 2002?

1 ROGER TOUSSAINT

2 A Probably not.

3 Q Sometime before then?

4 A It would have been sometime
5 before, but probably not directly through Bacco,
6 but direct through Ed Watts.

7 Q Have you ever seen these
8 observations about things that needed to be done
9 for the Retirees' Association?

10 A I don't actually recall these
11 details.

12 Q This is before Mr. Fitzpatrick
13 was fired; wasn't it?

14 A I don't have an exact date, but
15 Mr. Fitzpatrick was fired, but probably.

16 Q So let's go back to those
17 recommendations, and he generally notes lack of
18 control.

19 Did you ever make any change in
20 the way that the Retirees' Association operated
21 since Mr. Fitzpatrick lost his job?

22 A Were there any changes?

23 Q Yes.

24 A I believe there were.

25 Q What were those changes?

EXHIBIT C

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES MAHONEY, as Director of
the Transport Workers Union
Local 100 Retirees' Association
and Plan Administrator of the
TRANSPORT WORKERS UNION LOCAL
100 RETIREES' ASSOCIATION HEALTH
BENEFIT PLAN, JOSEPH ALLMAN,
BERNARD BEAVER, FRANK INGRAM,
LAVERNE STUCKEY, MAURICE SCHIERMAN
and MATTHEW TARNOWSKI,

INDEX NO.:
04 Civ.2592
(MBM)

Plaintiffs,
-against-

J.J. WEISER AND COMPANY, INC.,
SANFORD J. COHEN, HARVEY T.
GLUCK, MICHAEL J. FITZPATRICK
and JOHN MEEHAN,

Defendants.
-----X

10:10 a.m.
November 21, 2006

113 University Place, 7th Floor
New York, New York 10003

EXAMINATION BEFORE TRIAL of JAMES MAHONEY, taken
by DEFENDANTS, before ALBERT M. CITTONE, a Notary
Public and Certified Court Reporter of the State
of New York.

CITTONE REPORTERS

Certified Shorthand Reporters

Two Penn Plaza, Suite 1500
New York, New York 10120

(212)286-9222

1 JAMES MAHONEY

2 A High school, little bit of college.

3 Q Where did you go to college?

4 A Pittsburgh, Cornell.

5 Q How long did you attend?

6 A Just courses.

7 Q What courses did you take?

8 A Labor studies, arbitration,

9 fiduciary, dispute resolution.

10 Q How many credit hours did you
11 accumulate?

12 A I don't recall.

13 Q Was it an adult course, or was it a
14 regular matriculation?

15 A I believe it was an adult course.

16 Q What years were they?

17 A I don't recall.

18 Q This was in Pittsburgh?

19 A That's 2005.

20 Q So these are all recent courses that
21 you have taken?

22 A With the exception of Cornell.
23 Cornell was 2000.

24 Q That was all paid for by Local 100?

25 A Yes.

1 JAMES MAHONEY

2 A I believe it was a partner with
3 Bacco.

4 Q What did he -- did he tell you he had
5 contacted Weiser?

6 A Yes.

7 Q Did he tell you anything about his
8 communications with Weiser?

9 A Yes.

10 Q What did he tell you?

11 A He told me he was having a hard time
12 with J.J. Weiser, he has asked for seven years of
13 benefit history, and he is being told there are
14 none available.

15 Q Did he tell you who he spoke with?

16 A No, I don't recall, actually.

17 Q If you know, what financial records
18 did Mr. Bacco and his people look at? You just
19 said he looked at financial records and the book.
20 What financial records?

21 A That's as far as I know.

22 Q When you said he looked at financial
23 records and the bank reconciliation book, you were
24 referring to just the book?

25 A Yeah. Those amounts of checks jump

1 JAMES MAHONEY

2 out at you. I'm sure that triggered his inquiry.

3 Q Did Mr. Bacco look at anything
4 pertaining to claims information or claims data?

5 A That's what he was extracting from
6 J.J. Weiser.

7 Q Did you in your office have any type
8 of data pertaining to claims?

9 A No. That's why I told Bacco to
10 proceed.

11 Q Can you explain that? What was the
12 reason you told Mr. Bacco to proceed?

13 A I didn't have any claims data. I
14 didn't know what they were getting back as a
15 benefit.

16 I'm not going to write a \$300,000
17 check and not knowing what I'm getting in return.
18 You don't have to be an accountant to feel that
19 way.

20 Q Did you ever submit a request or have
21 a request submitted to anyone at Weiser for any of
22 this information before Bacco?

23 A Before Bacco?

24 Q Yes.

25 A No. I was a bus operator.

EXHIBIT D

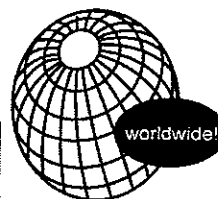
JAMES MAHONEY VS. J.J. WEISER & COMPANY

JOHN MEEHAN - 4/9/07

CONCORDANCE AND CONDENSED TRANSCRIPT
PREPARED BY:

Ellen Grauer
COURT REPORTING

Co. LLC



TOWER 56, 126 EAST 56TH STREET, FIFTH FLOOR, NEW YORK, NEW YORK 10022

PHONE: (212) 750-6434 FAX: (212) 750-1097

WWW.ELLENGRAUER.COM

Page 9

- (1)
- (2) **MR. SCHIMMEL:** Thank you.
- (3) Including medications that may
- (4) impact his ability to understand or answer
- (5) the question?
- (6) **MS. TONGRING:** That is correct.
- (7) Susan Jennik refused to let the other
- (8) witnesses answer any question. We are not
- (9) going to make that available to you.
- (10) **MR. SCHIMMEL:** Fair enough.
- (11) **Q.** Are you currently retired?
- (12) **A.** Yes, I am.
- (13) **Q.** Where are you retired from?
- (14) **A.** The New York City Transit Authority.
- (15) **Q.** When did you retire from the New
- (16) York Transit Authority?
- (17) **A.** When did I retire from the Transit
- (18) Authority?
- (19) **Q.** Yes, sir.
- (20) **A.** 1993.
- (21) **Q.** When were you first hired by The
- (22) Transit Authority?
- (23) **A.** 1963.
- (24) **Q.** For those thirty years, did you work
- (25) continuously for The Transit Authority?

Page 11

- (1)
- (2) You used the word "garage." What garage was
- (3) that?
- (4) **A.** Hudson Depot.
- (5) **Q.** When did you become chairman at the
- (6) Hudson Depot?
- (7) **A.** I'm not sure of the exact time. It
- (8) was in the early '80s.
- (9) **Q.** Is that the first elected position
- (10) you ran for, sir?
- (11) **A.** Yes, it was.
- (12) **Q.** How long were you chairman of
- (13) Hudson?
- (14) **A.** I'm not sure exactly.
- (15) **Q.** Could you ballpark it? Ten years,
- (16) five years?
- (17) **A.** Oh, yeah. I would say nine years,
- (18) ten years, yes.
- (19) **Q.** After you were chairman at Hudson
- (20) Depot, did you hold any other position that was
- (21) elected?
- (22) **A.** With the Authority?
- (23) **Q.** Yes.
- (24) **A.** No.
- (25) **Q.** When your chairmanship at Hudson

Page 10

- (1)
- (2) **A.** Yes, sir.
- (3) **Q.** When you retired from The Transit
- (4) Authority, what position did you retire from?
- (5) **A.** I was a bus driver.
- (6) **Q.** How long were you a bus driver?
- (7) **A.** Thirty years.
- (8) **Q.** So the whole time you were with the
- (9) Transit Authority?
- (10) **A.** For the whole time I was with the
- (11) Transit Authority, right, yes. That was my
- (12) title.
- (13) **Q.** At any point in time prior to your
- (14) retirement, while with the Transit Authority,
- (15) did you ever stop performing the duties of a
- (16) bus driver?
- (17) **A.** Yes, I did.
- (18) **Q.** When was that?
- (19) **A.** Well, I ran for an election for what
- (20) they call chairman of the garage, and as such,
- (21) you didn't drive a bus. You just -- you stayed
- (22) in the garage.
- (23) **Q.** Did you win that election, sir?
- (24) **A.** Yes, I did.
- (25) **Q.** What depot was that? I'm sorry.

Page 12

- (1)
- (2) ended, did you go back to driving a bus?
- (3) **A.** No.
- (4) **Q.** What happened then?
- (5) **A.** I went to work at the union hall.
- (6) **Q.** Is that Local 100, sir?
- (7) **A.** Local 100.
- (8) **Q.** So that would be the early '90s?
- (9) **A.** Yes, it would.
- (10) **Q.** What position did you assume at
- (11) Local 100?
- (12) **A.** Director of the Retirees'
- (13) Association.
- (14) **Q.** Is that an elected position, sir, or
- (15) appointed?
- (16) **A.** Appointed.
- (17) **Q.** Who appointed you, sir?
- (18) **A.** The president.
- (19) **Q.** And who was the president at that
- (20) time?
- (21) **A.** Sonny Hall.
- (22) **Q.** When you say the president, you mean
- (23) the president of Local 100?
- (24) **A.** Yes, sir.
- (25) **Q.** You were the director the TWURA?